

Remarks

This is in response to the non-final Office Action dated July 10, 2008. Claims 1-6, 9 & 10 are pending. All presently stand rejected. Re-examination and reconsideration are requested in light of the following observations and amendments to claim 2.

Applicant notes the objection to the Disclosure because the "low regime clutch" is referred to as a "first brake element". The Examiner's position is that "the clutch (L) acting alone cannot function as a braking element and therefore should be referred to as a clutch".

Although a specific embodiment discloses a clutch L, it would be possible to use an element other than a clutch in order to achieve the same result and to implement the inventive concept of the present invention. It is for that reason that the term "braking element" was used. If the client had wanted to restrict the claims to a braking element in the form of a clutch, then he would have done so. Indeed, claim 5 specifically states that the first braking element comprises clutch means, which under the doctrine of claim differentiation lends further support to the argument that a braking element rather than a clutch was contemplated. That doctrine creates a presumption: when words or phrases are used in separate claims of a patent, the words are presumed to mean significantly different things and the claims are presumed to have a different scope (*citations omitted*). Further, the Applicant is entitled to act as his own lexicographer (*citations omitted*).

Applicant respectfully disagrees with the Examiner's objection that the references to the "first braking element" should be replaced with references to a "second clutch" and that the reference to a "second braking element" should be replaced with references to a "braking element".

Applicant's interpretation of the term "braking element" is supported by the application as filed. For example, the passage on page 1, lines 9 to 10 refers to "use of clutches or other braking elements" and the passage on page 3, lines 27 and 28 refers to a "further braking element in the form of clutch B" (underlining added).

Therefore, it is clear that a clutch is only one type of braking element so the Examiner's comment that the clutch L "is not a braking element as it does not hold any members of the transmission system stationary" is incorrect.

A person skilled in the art would appreciate that a clutch is merely one form of braking element. This view is supported by the disclosure in US 7407429 (the issued equivalent of US 2006/0142110 A1, which the Examiner cites on page 4). Particular reference is made to the passages at column 1, lines 15 and 16 ("by appropriate use of clutches or other braking elements"), column 2, lines 31 to 33 ("the system comprises means for selectively braking the second sun gear. This may conveniently comprise a clutch ..."), column 2, lines 36 and 37 ("the braking element comprises clutch means"), column 3, lines 36 and 37 ("a braking element in the form of a low-regime clutch L").

For these reasons, Applicant respectfully prefers not to effect the Examiner's proposed amendments to claim 1; the third proposed amendment to claim 2; claim 5; claim 6; and claim 10.

With reference to the first and second proposed amendments to claim 2, Applicant appreciates and acknowledges the Examiner's point. According, Applicant is happy to amend the claim to read ".. a second epicyclic gear train comprising [a second] an input sun gear driven by [an] the output of ..."

Applicant is grateful for the Examiner's observation that claims 1-6 and 9-10 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112, ¶2. Applicant believes that in light of the above comments and as amended, these claims satisfy all substantive requirements for patentability, including 35 U.S.C. 112, ¶2.

If the Examiner is of a different view, the Examiner is invited to contact the undersigned so that the privilege of a telephone interview can be exercised.

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Reply to Office Action of 07/10/2008

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A Notice of Allowance is earnestly solicited.

Please charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,
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